

VZCZCXRO0752
RR RUEHAO RUEHCD RUEHGA RUEHGD RUEHGR RUEHHA RUEHHO RUEHMC RUEHNG
RUEHNL RUEHQU RUEHRD RUEHRG RUEHRS RUEHTM RUEHVC
DE RUEHCV #3414/01 3201215
ZNR UUUUU ZZH
R 161215Z NOV 06
FM AMEMBASSY CARACAS
TO RUEHC/SECSTATE WASHDC 7043
INFO RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS
RUEHAO/AMCONSUL CURACAO 1065
RUEHGL/AMCONSUL GUAYAQUIL 0714
RUEHRI/AMCONSUL RIO DE JANEIRO 0150
RUEHSO/AMCONSUL SAO PAULO 0064
RUEATRS/DEPT OF TREASURY
RUCPDOG/DEPT OF COMMERCE
RUMIAAA/HQ USSOUTHCOM MIAMI FL
RHEHNSC/NSC WASHDC
RUEHUB/USINT HAVANA 1003
RUEHGV/USMISSION GENEVA 0660
RUCNDT/USMISSION USUN NEW YORK 0623
RUEAWJA/DEPT OF JUSTICE

UNCLAS SECTION 01 OF 02 CARACAS 003414

SIPDIS

SIPDIS
SENSITIVE

STATE PLEASE PASS TO USTR, USPTO, LOC

E.O. 12958: N/A
TAGS: [KIPR](#) [ECON](#) [ETRD](#) [WIPO](#) [VE](#)
SUBJECT: INTELLECTUAL PROPERTY FROM THE REVOLUTIONARY
PERSPECTIVE

REF: A. CARACAS 486
[1](#)B. CARACAS 3257
[1](#)C. CARACAS 2331

CARACAS 00003414 001.2 OF 002

This message is sensitive but unclassified, please treat accordingly.

Summary

[1](#)1. (SBU) The BRV's Autonomous Intellectual Property Service (SAPI) held a conference on November 3-4 to discuss intellectual property from the ALBA (Bolivarian Alternative for the Americas) perspective. The event brought together government officials, Cuban regime panelists, and members of leftist international NGOs. All panelists eagerly bashed the United States and multinationals, and agreed that the current intellectual property rights (IPR) regime did not apply to developing countries. SAPI's president said her organization was working to "put a brake on the present course of IPR in the world," while SAPI's former president (now heading the BRV office governing measurements and technical standards) said he would fight multinationals trying to "dominate" Venezuela. Such declarations by government officials clearly signal that the BRV will continue to condone (and even promote) infringements of IPR on Venezuelan soil. End summary.

Word from Venezuela's IPR authorities

[1](#)2. (SBU) On November 3-4, the BRV's Autonomous Intellectual Property Service (SAPI), the government agency that oversees IPR enforcement and issues patents, held an open-invitation event to discuss intellectual property from the perspective of ALBA (Bolivarian Alternative for the Americas, Venezuela's proposed alternative to the Free Trade Area of the Americas).

All of SAPI's leadership was present, as well as a variety of international guests from leftist NGOs, such as the Third World Network and IP Justice, and a handful of Cuban regime presenters. A quick look at the sign-in sheet revealed attendance by supreme court officials and the Ministry of Light Industry and Commerce. Despite being free to the public, SAPI provided complimentary briefcases, office materials, and refreshments. A common theme of the conference was bashing the United States and multinationals, characterizing intellectual property rights as manifestations of "greedy capitalism."

13. (SBU) SAPI's lackluster enforcement of intellectual property rights is in large part responsible for Venezuela's continued designation as a Special 301 "Priority Watch List" country (Ref A). The current director of SAPI, Sorelys Soto, told the group that SAPI's mandate was to "make IPR known to the general public" and to "put a brake on the present course of IPR in the world." She added that she wished to "rescue" IP benefits that are controlled by "a few powerful hands" and turn them over to the people for their collective enjoyment. (Note: The word "rescue" has been used by the BRV often to signify takeover, especially in rural land expropriations. End Note.)

14. (SBU) The event's biggest star, Eduardo Saman (SAPI's director until April 2006 and current director of SENCAMER, the National Autonomous Service for Normalization, Quality, Measurement, and Technical Regulations) told the crowd he could now "die in peace" since he had already converted SAPI to his vision. Using typically Bolivarian martial language, he added that SENCAMER was his "new trench," since standardization and certification are also used by multinationals to "dominate Venezuela."

Cubans galore

CARACAS 00003414 002.2 OF 002

15. (SBU) SAPI's event featured at least five Cuban speakers (all of whom read pre-approved scripts). Cuba's National Coordinator for the Cuba-Venezuela Agreement opened the event, noting that manufactured goods really belong to the workers who made them, and that the United States defends its "perverse capitalist system" by enforcing IPR regulations that protect its chemical, pharmaceutical, biotech, software and entertainment industries. Other Cuban presenters, including the Director of the Cuban Industrial Property Office, Maria Sanchez Torres, criticized pharmaceutical multinationals for not investing in third world disease research.

16. (SBU) One Cuban presenter called for Cuba and Venezuela to "mount a resistance" to the current international IPR framework through an online network in defense of culture (www.porlacultura.com). She also suggested organizational linkages, outreach to "expose" the developed world's IPR vision, and working within WTO and WIPO by filing complaints. On November 12, the presidents of the Cuban Book Institute and the National Center for Venezuelan Books signed an agreement allowing co-management of copyrights for affiliated authors. Both said the move would "do away with mechanisms in the publishing world that exclude editorial works from Cuba and Venezuela."

Revolutionary IPR education

17. (SBU) Other organizations within the BRV are aligning to SAPI's IPR goals. Among them is the Bolivarian University of Venezuela (UBV), which according to its president, is "committed to a revolutionary vision." UBV is offering a post-grad program in IPR, currently in its second year, and

over 40,000 students are enrolled in university's law program, which "contextualizes IPR with social/community goals." Saman praised the UBV's program, and added that many of its foreign students were attending on scholarships funded by Venezuela's bilateral agreements (Ref B).

Comment

18. (SBU) Attending a BRV event that so openly espouses links to Cuba is a rare opportunity for a U.S. official. Not surprisingly, the event brought together those who share the same intellectual property vision -- that the current international IPR framework is not in the interest of developing countries and that it is just a tool for multinationals to protect their investments. Comments by the BRV's IPR authorities suggest that SAPI has no intention of changing its anti-IPR stance and that SENCAMER, under Saman's leadership, will follow down SAPI's path shortly. Despite some positive strides in protection of intellectual property by SENIAT (the Customs and Tax Agency), such as enabling seizures of pirated goods, it looks like the BRV will keep condoning widespread infringement of intellectual property rights in Venezuela. End Comment.

BROWNFIELD